

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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MIGUEL ROBAYO,

Plaintiff,

-against-

UNITED STATES OF AMERICA,

Defendant.
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03 CV 5300 (NG) (CLP)

ORDER

GERSHON, United States District Judge:

In this action brought pursuant to Federal Rule of Criminal Procedure 41(g), for the return of personal property seized by the government upon plaintiff's arrest, the unopposed report and recommendation of Magistrate Judge Cheryl L. Pollak, dated December 22, 2005, is adopted by the court. Since the government represented, by letter dated December 5, 2005, that the property at issue in this action was returned to plaintiff's wife on January 27, 2005, and plaintiff has not responded to Judge Pollak's order dated December 8, 2005, plaintiff's motion for the return of seized property is dismissed as moot. The Clerk of Court is directed to close this case.

SO ORDERED.

/S/
NINA GERSHON
United States District Judge

Dated: Brooklyn, New York
January 9, 2006